REMARKS

This Amendment after FINAL Rejection is filed in response to the Office Action mailed on June 9, 2004. All objections and rejections are respectfully traversed.

Claims 1-28 are pending in the case.

No new Claims were added.

No claims were amended.

At paragraphs 1-2 of the Office Action claims 1, 5, 6, 10, 11, 13, 15, 16, 19, 20, 23-24, 26, 27, 28 were rejected under 35 U.S.C. 102(e) as being anticipated by Dugan *et al.* U. S. Patent No. 6,078,586 issued June 20, 2000 (hereinafter Dugan).

Applicant respectfully points out that each of Applicant's independent claims recite a first computer network and a second computer network, where the two networks are connected by links which do not support crankback protocol messages.

Typically, the invention as set out in claim 1, comprises in part:

1. (Previously presented): In an Asynchronous Transfer Mode (ATM) system composed of ***at least a first data network*** (10) having, a plurality of switching nodes interconnected by connection lines and including end switching nodes each being connected to at least a Data Transmission equipment (DTE) and being used either as an entry border node (22) when it is connected to a source DTE (18) or an exit border node (28) when it is connected to a destination DTE (20), said network using a routing protocol of the type wherein a best route between a source DTE and a destination DTE is determined in a control point associated with said entry border node to which is connected said source DTE and wherein a set-up message is sent by said entry border node, ***and a second data network*** (12) including at least one DTE to be used as destination DTE in an exchange of data with a source DTE connected to said first data network ***and being interconnected with said first data network by means of at least two links (14, 16) not supporting said routing protocol***;

method for extending the crankback procedure over all said system comprising:

when the exit border node of said first data network receives a clearing message on one of said links indicating that said set-up message has been rejected because said best route is blocked anywhere in said second data network, in building a crankback information element to be added to said clearing message for enabling said entry border node to find an alternate route avoiding the portion of said best route which is blocked.

Also, typically, the invention as set out in claim 20, comprises in part:

20. A system, comprising:

a first network using a best-route routing protocol;

at least two links not supporting said protocol connected to said first network;

a second network using a best-route routing protocol, said second network interconnected with said first network by said at least two links;

an entry border node in said first network to send a set-up message having a best route from said first network to said second network;

an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.

Dugan discloses a single ATM network which has customer sites 115a - 115f, at Dugan's Fig. 3, connected to a single ATM network. Dugan's single network sets up routes before call time, as described as:

"The standard PNNI algorithm determines the closest ICP member of the group, e.g., the ICP closest to the originating ATM switch. Calculations of the algorithm *are not performed on a call-by-call basis*, since the results will not change frequently. Implementation of anycast addressing in this manner enables the use of multiple ICPs in the ATM network to promote greater reliability and optimization."

Col. 5 lines 46-54, (emphasis added)

Further, at Col. 9 lines 51-62 Dugan discloses what his single ATM network does when a link is congested or fails:

"Fig. 7 illustrates the same example network and call as described with reference to Fig. 6, however, the destination interface X.2.2.3 either fails, or is congested when the call attempt arrives at switch X.2.2 destined

> for customer site B.3. Specifically, switch X.2.2 cranks back the SETUP message to the Z level in the hierarchy in step 5. This special level of the hierarchy reserves no bandwidth and through automatic discovery of the network along with the dual homed nature of B.3 ICP node Z.2 then returns revised SETUP message (SETUP+) in step 6. The network then completes the call via the alternate link to the destination in step 7."

Applicant respectfully urges that all of Dugan's network activity takes place in only one ATM network. Nowhere does Dugan disclose two ATM networks connected by links which do not support ATM protocols, as claimed by Applicant.

Dugan connects customer sites to the ATM network using links which do not use ATM protocol. However, Dugan is silent concerning using non ATM links to connect two (2) different ATM networks, as claimed by Applicant.

The Examiner asserts, in the section "Response to Arguments" at paragraph 6 of the Office Action, that:

> "Dugan discloses exchange of data between customer sites (Figure 3, element 115a) and another customer site (element 115c) transmitted through UNI links between source customer site (element 115a) and ATM switch (element 120a) and between ATM switch (element 120d) and destination customer site (element 115e)."

Applicant respectfully urges that the Examiner's position does not meet Applicant's claim language, where Applicant's claim language explicitly recites two (2) ATM networks connected by links which do not use ATM protocols.

Accordingly, Applicant respectfully urges that Dugan is legally precluded from anticipating Applicant's claimed novel invention because of the absence from Dugan of any disclosure of Applicant's claimed novel:

at least a first data network . . . and a second data network . . . and being interconnected with said first data network by means of at least two links (14, 16) not supporting said routing protocol;

. . .

when the exit border node of said first data network receives a clearing message on one of said links indicating that said set-up message has been rejected because said best route is blocked anywhere in said second data network, in building a crankback information element to be added to said clearing message for enabling said entry border node to find an alternate route avoiding the portion of said best route which is blocked.

At paragraphs 3-4 of the Office Action, claims 2-3, 7-8, 12, 18, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Soncodi U. S. Patent No. 6,111,881.

At paragraph 5 of the Office Action claims 4, 9, 14, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Rochberger et al. U. S. Patent No. 6,208,623.

Applicant respectfully notes that claims 2-3, 7-8, 12, 18, and 25 and claims 4, 9, 14, and 21 are dependent from independent claims which are believed to be in condition for allowance. Accordingly, these dependent claims are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims believed to be in condition for allowance, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500